

United States District Court
District of Massachusetts

EDWARD A. MCCARTHY,
Plaintiff,
v.

Civil Action No.
04-10335-NMG

MCCLANE COMPANY, INC.,
CONSTRUCTION MANAGEMENT
TECHNOLOGY, LINCOLN FRANKLIN,
LLC,

Defendants.

ORDER

GORTON, J.

On February 20, 2004, Defendant McLane Company, Inc. ("McLane") removed the present action to this Court and, on November 29, 2004, McLane was ordered to submit a memorandum discussing whether this Court has subject matter jurisdiction over the case. On December 15, 2004, McLane filed a memorandum conceding that this Court lacks jurisdiction. Accordingly, Civil Action No. 04-10335-NMG is hereby **REMANDED** to the Middlesex Superior Court Department, Middlesex County, Massachusetts for further proceedings.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated December 20, 2004